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Loan No. *****5974 / Our File No. 09-10-20553

Attorney for Secured Creditor
Amtrust Bank

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

MARCO A. MENDOZA,
MARGARITA MENDOZA

Debtor(s)

CHAPTER 13

BANKRUPTCY NO.: 09-29746-MKN

DATE: 1/14/2010

TIME: 1:30pm

**OBJECTIONS TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN
WITH CERTIFICATE OF SERVICE**

Amtrust Bank is a Secured Creditor in the above-entitled bankruptcy proceeding and hereby submits the following Objections to the Confirmation of that certain Chapter 13 Plan proposed by Debtors.

1. This objecting Creditor holds a security interest in the form of a 1st deed of trust on the property located at 915 Villa Grove Ct., North Las Vegas, NV 89030.

2. As of the filing date of the instant bankruptcy petition on Oct 20, 2009, the amount in default pre-petition was \$18,069.79; representing twelve (12) monthly payments, late charges, NSF charges (if any); advances for taxes and insurance (if any); and any foreclosure or Trustee's fees accrued with respect to the default.

3. The plan proposes to cramdown subject secured claim but 1) no concurrent Motion to Value Collateral has been filed as of the date of this objection; and 2) the plan may not be deemed as a Motion to Value Collateral since it contains no evidence of valuation.

1 4. The Debtors are currently in contravention of 11 U.S.C. § 1322(b)(5) and the plan should
2 not be confirmed as proposed.

3 Any plan proposed by the Debtors must accommodate the accurate pre-petition arrearages as
4 reflected above in order to be reasonable and correct. Additionally, any plan proposed by the
5 Debtor should provide that payments to Amtrust Bank begin as expediently as possible and that the
6 pre-petition arrearages be paid in their entirety prior to the expiration of sixty months.

7 WHEREFORE, Secured Creditor prays as follows:

8
9 (1) That confirmation of the proposed Chapter 13 plan be denied unless accommodation of
10 the above-referenced numbers can be accommodated;

11 (2) For attorneys fees and costs incurred herein;

12 (3) For dismissal of the Chapter 13 proceeding;

13 (4) For any and all other relief that this Court deems appropriate.

14
15 /s/ Michael W. Chen
16 Michael W. Chen, Esquire
17 Nevada Bar No. 7307
18 820 South Valley View Blvd.
19 Las Vegas, NV 89107
20 Attorneys for Secured Creditor
21 **Amtrust Bank**
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CERTIFICATE OF SERVICE

The undersigned hereby declares and certifies that on November 12, 2009, a copy of the Secured Creditors OBJECTIONS TO CONFIRMATION OF PROPOSED CHAPTER 13 PLAN WITH CERTIFICATE OF SERVICE was served on the parties through the following means:

Electronically mailed to:

TRUSTEE
Kathleen A. Leavitt
courtsecf@las13.com

Depositing a copy in the United States Mail, postage prepaid and addressed to:

MARCO A. MENDOZA,
MARGARITA MENDOZA
3612 Berg St.
North Las Vegas, NV 89030

MARCO A. MENDOZA,
MARGARITA MENDOZA
915 Villa Grove Ct.
North Las Vegas, NV 89030

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Yvette Deriada
An employee of THE COOPER CASTLE LAW FIRM